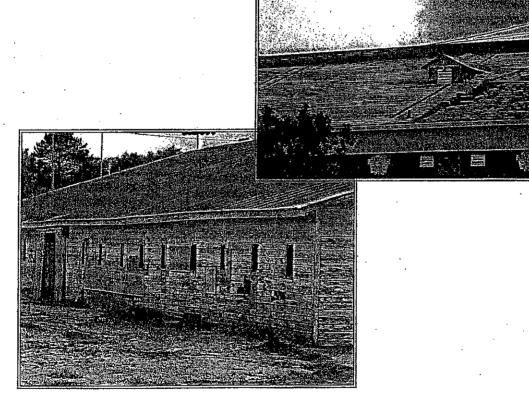
LINCOLN, NEBRASKA

STATE FAIR PARK REDEVELOPMENT AREA

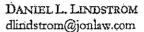
BLIGHT & SUBSTANDARD DETERMINATION STUDY



PREPARED BY:
HANNA:KEELAN ASSOCIATES, P.C.
Community Planning & Research
Lincoln, Nebraska
www.hannakeelan.com

OCTOBER, 2009







October 30, 2009

Mr. Joel D. Pedersen Attorney at Law 238 Varner Hall 3835 Holdrege Street Lincoln, NE 68583-0745

Re: Blight & Substandard Determination Study--State Fair Park Redevelopment Area

Dear Mr. Pedersen:

I have been asked by Tim Keelan of Hanna Keelan Associates, P.C., to address this letter to you concerning the Blight & Substandard Determination Study for the State Fair Park Redevelopment Area prepared by Hanna: Keelan in October 2009 (the "Study"). It is my understanding that you are seeking an opinion from this firm concerning the contents of the Study and the Study's applicability to the Nebraska Community Development Law (the "Community Development Law").

By way of introduction, the undersigned has practiced law in Kearney, Nebraska with this firm since 1986 and I have been involved in Community Development Law matters since 1993 when I was first appointed to the board of the Kearney Redevelopment Authority, the agency primarily responsible for administration of the Community Development Law in the City of Kearney. After serving on the board for two years, and briefly chairing it, I resigned to become the Redevelopment Authority's attorney and have served in that role since approximately 1995. I have represented redevelopment and a number of communities in Greater Nebraska regarding redevelopment projects undertaken pursuant to the Community Development Law, including the use of tax increment financing. Further, I have presented information about the Nebraska Community Development Law to a number of groups, including the Nebraska Bar Association.

Mr. Joel D. Pedersen October 30, 2009 Page Two

I have reviewed the Blight & Substandard Determination Study referenced above and have relied upon the information provided within the Study. I have not attempted to independently verify any of the factual information found in the Study, including legal descriptions or underlying documentation or field notes. The opinions expressed herein are based solely upon the foregoing information, and this letter is therefore limited to the factual information provided within the Study.

Based upon the information provided in the Study, it appears that the Study was conducted in an appropriate and diligent fashion, utilizing appropriate and relevant information from sources that would be considered reliable. Moreover, with regard to the conclusions in the Study, it is the opinion of the undersigned that the information provided in the Study appropriately addresses the criteria set forth in the Nebraska Community Development Law, and specifically the portions of that law defining "substandard areas" and "blighted areas," Neb.Rev.Stat. § 18-2103(10) and (11).

Further, in reviewing and relying upon the information conveyed in the Study, it is the opinion of the undersigned that the State Fair Park Redevelopment Area may legally be declared "blighted and substandard" under the provisions of the Nebraska Community Development Law, by the relevant governing body.

Please feel free to contact me concerning any further questions you have concerning the foregoing.

Very truly yours,

JACOBSEN, ORR, NELSON,

LINDSTROM & HOLBROOK, P.C., L.L.O.

Attorneys \att Law

Deniel I. Tindstrom

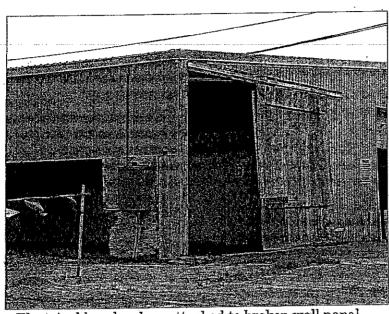
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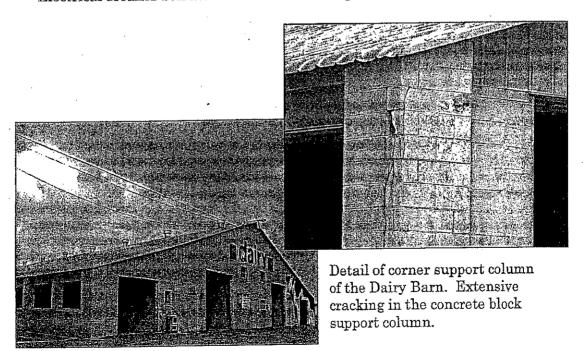
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BLIGHT AND SUBSTANDARD DETERMINATION STUDY



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STATE FAIR PARK REDEVELOPMENT AREA BLIGHT & SUBSTANDARD DETERMINATION STUDY

EXECUTIVE SUMMARY

Purpose of Study/Conclusion

The purpose of this Study was to determine whether all or part of the designated State Fair Park Redevelopment Area, in Lincoln, Nebraska, qualified as a blighted and substandard area, within the definition set forth in the Nebraska Community Development Law, Section 18-2103.

The findings presented in this Blight and Substandard Determination Study are based on surveys and analyses conducted for the State Fair Park Redevelopment Area, referred to in this Study as the Redevelopment Area.

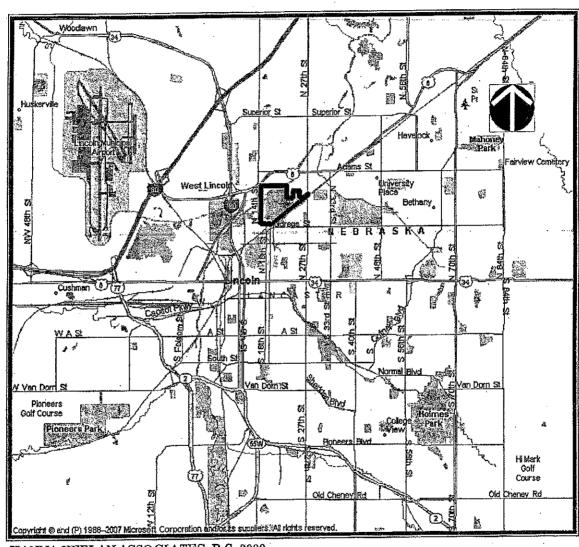
The State Fair Park Redevelopment Area is an estimated 251 acre public land use area (not including the R-O-Ws of Salt, Oak and Antelope Creeks), generally located from 14th to 27th Streets, between the Salt Creek and Burlington Northern and Santa Fe Railroad corridors in the City of Lincoln, Lancaster County, Nebraska. The Redevelopment Area is predominantly a public use "Park" with buildings and land areas intended to support the annual Nebraska State Fair.

The State Fair Park Redevelopment Area boundary is generally described as follows: an area within the City of Lincoln, Lancaster County, Nebraska, that includes all portions of Irregular Lots 14, 15, 45, 69, 71, 72, 73, 74, 75, 79, 80, 104, and 167 irregular tracts located in Section 13-T10N-R6E, of the 6th Principle Meridian.

Illustration 1 identifies the State Fair Park Redevelopment Area in context to the City of Lincoln.

Throughout this Study, the term "parcel" is used to identify land area occupied by individual, principal structures or other developed land uses. It is apparent that type, use and age of structures vary, thus requiring the need to evaluate structures and their immediate built upon land area or parcel on an individual bases. The parcel that these structures occupy has their own distinct development characteristics, such as sidewalks, driveways, landscaping, etc. Several of these parcels may exist within the boundary of a single tract. For purposes of exploring blight and substandard conditions, the planning process is benefited by delineating development patterns by the "parcel" associated with principle structure(s), or individual use of a portion of land, as opposed to legal tracts.

CITY CONTEXT MAP STATE FAIR PARK REDEVELOPMENT AREA LINCOLN, NEBRASKA



HANNA: KEELAN ASSOCIATES, P.C. 2009

= BOUNDARY OF REDEVELOPMENT AREA

ILLUSTRATION 1

State Fair Park Redevelopment Area Blight and Substandard Determination Study

SUBSTANDARD AREA

As set forth in the Nebraska legislation, a substandard area shall mean one which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which by reason of the presence of:

- 1. Dilapidated/deterioration;
- 2. Age or obsolescence;
- 3. Inadequate provision for ventilation, light, air, sanitation or open spaces;
- 4. (a) High density of population and overcrowding; or
 - (b) The existence of conditions which endanger life or property by fire and other causes; or
 - (c) Any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, and is detrimental to the public health, safety, morals or welfare.

This evaluation included a detailed exterior structural survey of 59 structures, field inventory of above ground infrastructure, conversations with pertinent State Fair staff, City of Lincoln department staff and a review of available reports and documents containing information on underground infrastructure that together substantiated the existence of substandard conditions.

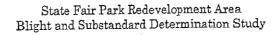
BLIGHTED AREA

As set forth in the Section 18-2103 (11) Nebraska Revised Statutes (Cumulative Supplement 1994), a blighted area shall mean "an area, which by reason of the presence of:

- 1. A substantial number of deteriorated or deteriorating structures;
- 2. Existence of defective or inadequate street layout;
- 3. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- 4. Insanitary or unsafe conditions;
- 5. Deterioration of site or other improvements;
- 6. Diversity of ownership;
- 7. Tax or special assessment delinquency exceeding the fair value of the land;

- 8. Defective or unusual conditions of title;
- 9. Improper subdivision or obsolete platting;
- 10. The existence of conditions which endanger life or property by fire or other causes;
- 11. Any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or constitutes an economic or social liability; and
- 12. Is detrimental to the public health, safety, morals or welfare in its present condition and use; and in which there is at least one or more of the following conditions exists;
 - Unemployment in the study or designated blighted area is at least one hundred twenty percent of the state or national average;
 - 2. The average age of the residential or commercial units in the area is at least 40 years;
 - 3. More than half of the plotted and subdivided property in an area is unimproved land that has been within the city for 40 years and has remained unimproved during that time;
 - 4. The per capita income of the study or designated blighted area is lower than the average per capita income of the city or village in which the area is designated; or
 - 5. The area has had either stable or decreasing population based on the last two decennial censuses."

While it may be concluded the mere presence of a majority of the stated factors may be sufficient to make a finding of blighted and substandard, this evaluation was made on the basis that existing blighted and substandard factors must be present to an extent which would lead reasonable persons to conclude <u>public intervention</u> is appropriate or necessary to assist with any development or redevelopment activities. Secondly, the distribution of blighted and substandard factors throughout the Redevelopment Area must be reasonably distributed so basically good areas are not arbitrarily found to be blighted simply because of proximity to areas which are blighted.



On the basis of this approach, the State Fair Park Redevelopment Area is found to be eligible as "blighted" and "substandard," within the definition set forth in the legislation. Specifically:

SUBSTANDARD FACTORS

Of the four Substandard Factors set forth in the Nebraska Community Development Law, all four Factors are present to a strong extent in the State Fair Park Redevelopment Area.

The Substandard Factors are reasonably distributed throughout the Redevelopment Area.

TABLE 1 SUBSTANDARD FACTORS STATE FAIR PARK REDEVELOPMENT AREA LINCOLN, NEBRASKA

1.	Dilapidated/deterioration.		©
2.	Age or obsolescence.		0
3.′	Inadequate provision for ventilation, sanitation or open spaces.	light, air,	<u> </u>
4.	4. Existence of conditions which endanger life of property by fire and other causes.		ø
•	Strong Presence of Factor	9	
	Reasonable Presence of Factor	-	
	Little or No Presence of Factor Source: Hanna Keelan Associates, P.C., 2009	0.	,

STRONG PRESENCE OF FACTOR

The structural conditions survey of primary buildings in the Redevelopment Area determined that 33, or 55.9 percent of the 59 total structures are deteriorating or dilapidated. This Factor is a strong presence throughout the Area.

Based on the results of a parcel-by-parcel field analysis and verification with a 2000 "Facilities Assessment", approximately 27 (45.8 percent) of the total 59 structures within the Redevelopment Area are 40+years of age (built prior to 1969). The Factor of age or obsolescence is a strong presence in the Redevelopment Area.

The conditions which result in *inadequate provision for ventilation*, *light*, *air*, *sanitation or open space* are strongly present and distributed throughout the Redevelopment Area. Primary Factors contributing to this finding include the advanced age and related conditions of the State Fair grounds privately owned water and sanitary and storm water sewer mains and more than half of the parcels examined have "fair" to "poor" overall site conditions.

The parcel-by-parcel field analysis determined that the substandard factor existence of conditions which endanger life or property by fire and other causes is a strong presence throughout the Redevelopment Area. The primary contributing factors include wood frame buildings and masonry or structural steel buildings with wood frame components that are potential fire hazards. Over 55 percent of the buildings were also observed to be deteriorating or dilapidated, properties with excessive debris and large vacant areas lacking adequate water and sanitary sewer service. Developed areas also have infrastructure evaluated as part of the "overall site condition" of each parcel including streets, parking areas, sidewalks, curb and gutters in deteriorated condition.

The prevailing substandard conditions evident in buildings and the public infrastructure, as determined by the field survey, include:

- 1. Deteriorating/dilapidated structures;
- 2. Aging structures;
- 3. Wood frame buildings and masonry or structural steel buildings with wood structural components were observed as potential fire hazards;
- 4. "Fair" to "Poor" overall site conditions; and
- 5. Aging and deteriorated condition of private infrastructure systems such as streets, parking areas, sidewalks and curb and gutters, as well as underground utilities.

BLIGHT FACTORS

Of the 12 Blight Factors set forth in the Nebraska Community Development Law, nine are present to a strong extent in the State Fair Park Redevelopment Area. The Factors of "diversity of ownership" and "tax or special assessment exceeding the fair value of land" were determined not to be Blighted Factors. The Factor of "defective or unusual condition of title" was not reviewed. Blight Factors are reasonably distributed throughout the State Fair Park Redevelopment Area.

TABLE 2 BLIGHT FACTORS STATE FAIR PARK REDEVELOPMENT AREA LINCOLN, NEBRASKA

 Existence of defective or inadequate street layout. Faulty lot layout in relation to size, adequacy, accessibility or usefulness. Insanitary or unsafe conditions. Deterioration of site or other improvements. 	<u>0</u>
accessibility or usefulness. 4. Insanitary or unsafe conditions.	·
	ø
5. Deterioration of site or other improvements.	
Deterioration of site or other improvements.	
6. Diversity of Ownership.	0
7. Tax or special assessment exceeding the fair value of land.	O
8. Defective or unusual condition of title.	NF
9. Improper subdivision or obsolete platting.	9
10. The existence of conditions which endanger life or property by fire or other causes.	@
	©
11. Other environmental and blighting factors.	
Other environmental and blighting factors.One of the other five conditions.	0

State Fair Park Redevelopment Area Blight and Substandard Determination Study

STRONG PRESENCE OF FACTOR

Deteriorated or dilapidated structures are a strong presence in the Redevelopment Area. Approximately 56 percent of the 59 structures are in deteriorated or dilapidated condition.

Defective or inadequate street layout is strongly present, primarily due to street conditions rated as "fair" to "poor," large areas of land without platted street access and the lack of sidewalks throughout the entire Redevelopment Area.

Faulty lot layout exists to a strong extent throughout the Redevelopment Area. Conditions contributing to the presence of this Factor include inadequately sized lots and lots that are of odd or irregular shape, which limit usefulness.

Insanitary or unsafe conditions are strongly present throughout the Redevelopment Area. Contributing factors included 52.6 percent of the total 70 individually developed parcels having "fair" to "poor" overall site condition and the advanced age of the State Fair grounds privately owned underground utility systems.

Deterioration of site or other improvements is a strong presence throughout the Redevelopment Area. A significant number and percentage of parcels in the Area have "fair" to "poor" overall site conditions. Deteriorating infrastructure in combination with deteriorating and/or dilapidated structures in the oldest portions of the Redevelopment Area also contributed to the strong presence of this Factor.

Improper subdivision or obsolete platting is a strong presence throughout the Redevelopment Area. Generally, irregular tracts of land are excessively large, irregular shaped and lack accessibility to infrastructure to support efficient development or redevelopment efforts of individual parcels, based on today's planning standards.

The existence of conditions which endanger life or property by fire or other causes is strongly present throughout the Redevelopment Area. Approximately 46 percent of the 59 total structures are 40+ years of age and over 52 percent of the parcels have "fair" to "poor" overall site condition. Additionally, the oldest portions of the Redevelopment Area have water and sanitary sewer mains approaching 50+ years of age.

In regards to *other environmental and Blighting Factors*, the presence of economically and functionally obsolescent land uses is strongly present throughout the Redevelopment Area.

One of the required five additional blight factors has a strong presence throughout the Redevelopment Area. According to the field analysis and public records, the average age of buildings throughout the Redevelopment Area is at least 40+ years of age.

Conclusion

It is the conclusion of the Consultant that the number, degree and distribution of substandard and blighting factors, as documented in this Study, are beyond remedy and control solely by regulatory processes in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided in the Nebraska Community Development Law. It is also the opinion of the Consultant, that the findings of this Blight and Substandard Determination Study warrant designating the State Fair Park Redevelopment Area as "substandard" and "blighted."

The conclusions presented in this Study are those of the Consultant engaged to examine whether conditions of blight and substandard exist. The Study should be presented to the City of Lincoln for review and, if satisfied with the summary of findings contained herein, the Lincoln City Council may adopt a resolution making a finding of blight and substandard for the State Fair Park Redevelopment Area and this Study a part of the public record.



Lincoln-Lancaster County Planning Department

555 South 10th Street / Suite 213 Lincoln, Nebraska 68508 Marvin S. Krout, Director 402-441-7491 / fax: 402-441-6377

Lynn Sunderman, Chair City-County Planning Commission





MAYOR CHRIS BEUTLER

lincoln.ne.gov

December 31, 2009

TO:

Neighborhood Associations/Organizations

Bernie Heier, Chair, Lancaster County Board of Commissioners Dr. E. Susan Gourley, Superintendent, Lincoln Public Schools

Educational Service Unit #18, c/o David Myers Board of Regents, University of Nebraska-Lincoln President, Southeast Community College

Glenn Johnson, Lower Platte South Natural Resources District

RE:

Miscellaneous #09010 - Declaration of Blighted and Substandard Area

(State Fair Park - 14th Street to 27th Street, between the Salt Creek and Burlington Northern and Santa Fe

Railroad corridors)

Pursuant to Neb. Rev. Stat. § 18-2109, you are hereby advised that the City of Lincoln has received an application for Miscellaneous No. 09010, requested by the Director of the Urban Development Department, to determine whether all or part of the designated State Fair Park Redevelopment Area, qualifies as a blighted and substandard area. The "State Fair Park Redevelopment Area Blight and Substandard Determination Study" finds that the designated State Fair Park Redevelopment Area meets the requirements of the Nebraska Community Development Law for designation as both a "blighted" and "substandard" area.

The State Fair Park Redevelopment Area consists of an estimated 251 acres of public land use area (not including the rights-of-way of Salt, Oak and Antelope Creeks), generally located from 14th Street to 27th Street, between the Salt Creek and Burlington Northern and Santa Fe Railroad corridors. A map showing the boundaries and a copy of the Executive Summary of the Blight and Substandard Determination Study are attached.

A public hearing on this application will be held before the Lincoln City/Lancaster County Planning Commission on Wednesday, January 13, 2010. The public hearing is your opportunity to appear and speak upon the merits of this application. The Planning Commission meeting commences at 1:00 p.m. in the City Council Hearing Room on the first floor of the County-City Building, 555 South 10th Street, Lincoln, Nebraska.

If you would like additional information, you are encouraged to contact Wynn Hjermstad in the Urban Development Department at 402-441-7606 or whiermstad@lincoln.ne.gov; or the project planner in the Planning Department, Brandon Garrett, at 402-441-6373 or bgarrett@lincoln.ne.gov. You may also wish to appear at the public hearing or submit your comments prior to the public hearing in writing to the Planning Commission at the Planning Department address, by email to plan@lincoln.ne.gov, or by fax to 402-441-6377. The Planning Department staff report and recommendation will be available in the Planning Department office on Thursday, January 7, 2010, after 3:00 p.m. The Planning Commission Agenda and staff report will also be available on Internet at that time at lincoln.ne.gov (keyword = pcagenda).

> an Preister dministrative Officer

CC:

David Landis, Urban Development Wynn Hjermstad, Urban Development Rick Peo. Chief Assistant City Attorney Norm Agena, County Assessor

Jennifer Dam, UNL Campus Planning & Space Management

Hanna: Keelan Associates, PC

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ATTACHMENT "C"

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Duane Wendelin Sunset Acres Neigh. Assn. 4110 N. 42 St. Lincoln, NE 68504

Dean Settle Downtown Neigh. Assn. 128 N. 13th St. #404 Lincoln, NE 68508-1501

Curt Donaldson Hartley Neigh, Assn. 2860 R Street Lincoln, NE 68503

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Gail Anderson University Place Community Org. 1930 N. 60 St. Lincoln, NE 68505

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Peggy Struwe Hawley Area Assn./co Neighborworks 1533 N. 27th St. Lincoln, NE 68503-1128

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Ralph Johnson Hartley Neigh, Assn. 819 N. 33 St. Lincoln, NE 68503 Dave Landis Urban Development Wynn Hjermstad Urban Development

Bernie Heier, Chair Lancaster County Board of Commissioners

Dr. E. Susan Gourley, Superintendent Lincoln Public Schools 5901 "O" Street Lincoln, NE 68510

Educational Service Unit #18 c/o David Myers 5901 O Street Lincoln, NE 68510 University of Nebraska-Lincoln c/o Linda Cowdin, UNL Property Management 1901 Y Street Lincoln, NE 68588

President Southeast Community College 301 S. 68th Street Place Lincoln, NE 68510 Glenn Johnson Lower Platte South NRD P.O. Box 83581 Lincoln, NE 68501

Rick Peo Chief Assistant City Attorney Norm Agena County Assessor

Jennifer Dam, Assistant Director Campus Planning & Space Management University of Nebraska-Lincoln 335 Administration Building Lincoln, NE 68588-0435 Hanna:Keelan Associates, PC P.O. Box 30552 Lincoln, NE 68503

q:\pc\notif\2009\Misc09010. labels



Lincoln-Lancaster County
Planning Department
Marvin S. Krout, Director

555 South 10th Street / Suite 213 Lincoln, Nebraska 68508 402-441-7491 / fax: 402-441-6377

Lynn Sunderman, Chair City-County Planning Commission





MAYOR CHRIS BEUTLER

lincoln.ne.gov

January 22, 2010

TO: Neighborhood Associations/Organizations

Bernie Heier, Chair, Lancaster County Board of Commissioners Dr. E. Susan Gourley, Superintendent, Lincoln Public Schools

Educational Service Unit #18, c/o David Myers Board of Regents, University of Nebraska-Lincoln President, Southeast Community College

President, Sourcest Community Conege

Glenn Johnson, Lower Platte South Natural Resources District

RE: State Fair Park Redevelopment Area Blight and Substandard Determination Study

Pursuant to Neb. Rev. Stat. § 18-2109, you are hereby advised that the request by the Director of the City Urban Development Department for a resolution declaring the State Fair Park Redevelopment Area as blighted and substandard is scheduled for public hearing before the Lincoln City Council on Monday, February 8, 2010, at 3:00 p.m., in the Hearing Room on the first floor of the County-City Building, 555 South 10th Street, Lincoln, Nebraska. The study area consists of an estimated 251 acres of public land use area (not including the rights-of-way of Salt, Oak and Antelope Creeks), generally located from 14th Street to 27th Street, between the Salt Creek and Burlington Northern and Santa Fe Railroad corridors. A map showing the boundaries and a copy of the Executive Summary of the Blight and Substandard Determination Study were previously provided to you.

On January 13, 2010, the Lincoln City-Lancaster County Planning Commission held public hearing and voted 9-0 to find a reasonable presence of substandard and blighted conditions in the proposed State Fair Park Redevelopment Area pursuant to the Nebraska Community Development Law (Miscellaneous No. 09010).

If you would like additional information, you are encouraged to contact Wynn Hjermstad in the Urban Development Department (441-7606 or <a href="whitematted:white

ean Preister

Administrative Officer

CC:

Dave Landis, Urban Development Wynn Hjermstad, Urban Development Rick Peo, Chief Assistant City Attorney Norm Agena, County Assessor Rick Peo, Chief Assistant City Attorney Hanna: Keelan Associates

Jennifer Dam, UNL Campus Planning & Space Management

JL Schmidt, Executive Director, Heritage Nebraska

Dan Worth, Architect

Laurie Richards, Heritage Nebraska < richards2@neb.rr.com >

TO BE PUBLISHED ONCE EACH WEEK FOR TWO CONSECUTIVE WEEKS IN THE LINCOLN JOURNAL STAR ON <u>FRIDAY</u>, <u>January 22</u>, <u>2010</u> AND <u>FRIDAY</u>, <u>January 29</u>, <u>2010</u>:

Notice is hereby given that the Lincoln City Council will hold a public hearing on **Monday, February 8, 2010, at 3:00 p.m.,** in the City Council Hearing Room on first floor of the County-City Building, 555 South 10th Street, Lincoln, Nebraska, on the following item. For more information, call the Urban Development Department (441-7606) or the Planning Department (441-7491):

1. A resolution requested by the Director of the Urban Development Department declaring the "State Fair Park Redevelopment Area" as blighted and substandard as defined in the Nebraska Community Development Law. The study area consists of an estimated 251 acres of public land use area (not including the rights-of-way of Salt, Oak and Antelope Creeks), generally located from 14th Street to 27th Street, between the Salt Creek and Burlington Northern and Santa Fe Railroad corridors.

Joan Ross City Clerk

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